United States Department of Agriculture

Agricultural Research Service

Cooperative Research and Development Agreements (CRADA's) Between Industry and ARS

A Plain Language Guide for ARS Scientists

Cooperative Research and Development Agreements (CRADA's) Between Industry and ARS

Definition and Policy

CRADA's are an implementation of the Federal Technology Transfer Act of 1986 (Public Law 99-502). They differ from other Agricultural Research Service research contracts and agreements by providing the cooperator with the right of first refusal to an exclusive license on patented inventions made under the CRADA. Also, in carrying out CRADA's, ARS scientists are authorized to work as closely as necessary with private firms to help the companies commercialize technology based on the scientists' research.

Under a CRADA, the cooperator may or may not provide funds. As with other ARS cooperative agreements, ARS enters into a CRADA only when the objective is commensurate with the agency's mission.

ARS policy is to take full advantage of the Technology Transfer Act and of Executive Order 12591, which charged agencies with expeditiously implementing the Technology Transfer Act. While the Office of Technology Transfer (OTT) provides guidance and assistance, scientists are the key to fulfilling this policy. The scientist is responsible for getting the research used as well as done.

Scientists should seek opportunities for CRADA's with industry that meet three conditions:

- **The** work is consistent with the ARS mission.
- There are no conflicts of interest.
- All potential cooperators have been given a fair chance to participate.

Funding

Cooperative research with the private sector is an addition, expansion, or continuation of an in-house project. Therefore, none of the funding expected from a CRADA can be used to shore up base program. The additional funding might include costs of an added research associate, a technician, special equipment, and so on.

Procedures

To expedite research cooperation between industry and ARS, the following procedures are carried out in accordance with the provisions of the Technology Transfer Act. The goal is to complete processing of a CRADA within 6 weeks after ARS scientists and industry representatives agree on the cooperative activities to be conducted. This means that all parties must deal promptly with documents.

1. Individual scientist and the cooperator determine what research will be done cooperatively.

2. Scientist consults with line managers—research leader, laboratory/institute director, and area director—and with the appropriate national program Leader. If they agree, scientist pro ceeds to step 3.

3. The scientist and cooperator develop a proposal (plan of work) describing briefly what the cooperator and ARS will do jointly and what each will provide separately to achieve the objectives of the cooperative research. An estimated budget is also developed. Copies of the plan of work and budget are forwarded to the technology transfer coordinator for the area involved. If one is not assigned to your area, send the documents to the deputy assistant administrator (national technology transfer coordinator). These individuals will provide sample CRADA's on request.

4. The technology transfer coordinator will work with the scientist and cooperator to develop an appropriate draft CRADA using generic provisions. Non-generic provisions are forwarded to the Authorized Departmental Officer (ADO) for review and approval. (The ADO is the official delegated authority to sign and administer CRADA's for ARS.) The area director and appropriate national program leader will be kept informed.

5. The technology transfer coordinator will monitor and coordinate subsequent negotiations and clearances for development of the CRADA.

6. Once an acceptable CRADA is completed, the following steps are taken:

   a. For CRADA's involving the receipt of funds, the scientist obtains approval from the National Program Staff via normal channels: forms ARS 425, AD 416, and AD 417 through the Research Management Information System.

   b. The Technology Transfer Coordinator sends the CRADA through the area director to the ADO.

   c. If changes are needed, OTT will expedite revisions.

7. The ADO will make sure that clearances (for conflicts of interest and similar matters) are obtained. The ADO will then send the final version of the agreement to the cooperating firm for signature.

For further information, call or write:

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